

SCHEDULES

SCHEDULE 17

Section 145

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

THE LORD CHANCELLOR

Fines Act 1833 (c. 99)

- 1 The Fines Act 1833 ceases to have effect.

Promissory Oaths Act 1868 (c. 72)

- 2 In the Schedule to the Promissory Oaths Act 1868 (persons to take oaths) in Part 2 omit “The Lord Chancellor of Great Britain”.

Universities of Oxford and Cambridge Act 1877 (c. 48)

- 3 In the Universities of Oxford and Cambridge Act 1877, in section 44 (constitution of Universities Committee of Privy Council) omit—
- (a) “the Lord Chancellor,” in the first place;
 - (b) “the Lord Chancellor or”.

Sheriffs Act 1887 (c. 55)

- 4 In the Sheriffs Act 1887, in section 6 (nomination and appointment of sheriffs) in subsection (1) omit “the Lord Chancellor”.

Administration of Justice Act 1964 (c. 42)

- 5 In section 37 of the Administration of Justice Act 1964 (financial provisions) omit subsection (2).

Parliamentary Commissioner Act 1967 (c. 13)

- 6
- (1) The Parliamentary Commissioner Act 1967 is amended as follows.
 - (2) In section 5 (matters subject to investigation) in subsection (6) for “Lord Chancellor’s Department” substitute “Department for Constitutional Affairs”.
 - (3) In Schedule 2 (departments etc. subject to investigation) in the note relating to the Department for Constitutional Affairs omit “the Lord Chancellor’s Department and”.
 - (4) In Schedule 3 (matters not subject to investigation) at the end insert—

Status: This is the original version (as it was originally enacted).

- “12 (1) Action not otherwise within this Schedule which is taken in the course of administrative functions exercised at the direction, or on the authority (whether express or implied), of a judge of any court established under the law of England and Wales or Northern Ireland.
- (2) In this paragraph “judge” includes—
- (a) a person appointed under section 89 of, and Part 2 or 3 of Schedule 2 to, the Supreme Court Act 1981, and
 - (b) a Master or District Judge appointed under section 70 of, and Schedule 3 to, the Judicature (Northern Ireland) Act 1978.”

Patronage (Benefices) Measure 1986 (1986 No. 3)

7 Section 36 of the Patronage (Benefices) Measure 1986 ceases to have effect.

Priests (Ordination of Women) Measure 1993 (1993 No. 2)

- 8 (1) The Priests (Ordination of Women) Measure 1993 is amended as follows.
- (2) Omit section 2(4)(c) (notice of declaration by Bishop to be given to Lord Chancellor).
- (3) In section 7(1) (benefices in the patronage of the Crown etc), omit the words from “and to” to “Lord Chancellor”.

PART 2

AMENDMENTS RELATING TO PART 3

Appellate Jurisdiction Act 1876 (c. 59)

9 The Appellate Jurisdiction Act 1876 ceases to have effect.

Jurisdiction in Rating Act 1877 (c. 11)

10 In the Jurisdiction in Rating Act 1877, in section 3 (interpretation) in the definition of “Judge” for the words from “any Lord of Appeal” to the end of the definition substitute “any judge of the Supreme Court and any person acting as a judge of that court under section 38 of the Constitutional Reform Act 2005.”

Appellate Jurisdiction Act 1887 (c. 70)

11 The Appellate Jurisdiction Act 1887 ceases to have effect.

Railway and Canal Traffic Act 1888 (c. 25)

12 Section 17(5) of the Railway and Canal Traffic Act 1888 ceases to have effect.

Supreme Court of Judicature Act 1891 (c. 53)

13 The Supreme Court of Judicature Act 1891 ceases to have effect.

Appellate Jurisdiction Act 1947 (c. 11)

14 The Appellate Jurisdiction Act 1947 ceases to have effect.

Life Peerages Act 1958 (c. 21)

15 In the Life Peerages Act 1958, in section 1 (power to create life peerages), in subsection (1) omit the words “Without prejudice to Her Majesty’s powers as to the appointment of Lords of Appeal in Ordinary,”.

Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1)

- 16 (1) The Ecclesiastical Jurisdiction Measure 1963 is amended as follows.
- (2) In section 11 (review of commissions of convocation or Court of Ecclesiastical Causes Reserved) for “Lords of Appeal (within the meaning of the Appellate Jurisdiction Act 1876)” substitute “judges of the Supreme Court, or members of the supplementary panel under section 39 of the Constitutional Reform Act 2005,”.
- (3) In section 66(1) (interpretation) for the definition of “high judicial office” substitute—
- ““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.

Law Commissions Act 1965 (c. 22)

17 In section 6 of the Law Commissions Act 1965 (supplemental) for the words from “has the same meaning” to “1887;” substitute “means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.

Administration of Justice Act 1968 (c. 5)

18 The Administration of Justice Act 1968 ceases to have effect.

Administration of Justice Act 1973 (c. 15)

- 19 (1) The Administration of Justice Act 1973 is amended as follows.
- (2) In section 9 (judicial salaries) omit subsection (1)(a).
- (3) In section 12 (retirement of higher judiciary in event of incapacity)—
- (a) in subsection (1)—
- (i) omit “as Lord of Appeal in Ordinary, or”;
- (ii) for “subsections (2) to (4)” substitute “subsection (4)”;
- (b) omit subsection (2).

Juries Act 1974 (c. 23)

20 In the Juries Act 1974, in Group A in Part 1 of Schedule 1 (persons ineligible: the judiciary)—

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- (a) in the entry relating to holders of high judicial office, for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005”, and
- (b) after that entry insert the following entry—
 - “Members of the Judicial Committee of the Privy Council (if not holders of high judicial office within the meaning of that Part).”

Judicature (Northern Ireland) Act 1978 (c. 23)

- 21 (1) The Judicature (Northern Ireland) Act 1978 is amended as follows.
- (2) In section 7 (further assistance for transaction of judicial business) in subsections (1) (a) and (4) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”.
 - (3) In section 9 (qualifications of judges), in subsection (3)(b) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”.

Supreme Court Act 1981 (c. 54)

- 22 (1) The Supreme Court Act 1981 is amended as follows.
- (2) In section 2 (the Court of Appeal), in subsection (2)(c) for “Lord of Appeal in Ordinary” substitute “judge of the Supreme Court”.
 - (3) In section 9 (assistance for transaction of judicial business), in subsection (8) for paragraph (a)(i) substitute—
 - “(i) a judge of the Supreme Court; or”.
 - (4) In section 11 (tenure of offices), in subsection (4) for “Lord Chancellor or a Lord of Appeal in Ordinary” substitute “a judge of the Supreme Court”.
 - (5) In section 13 (precedence), in subsection (1)(b) for the words “Lords of Appeal in Ordinary” in each place substitute “judges of the Supreme Court”.

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 23 In the Civil Jurisdiction and Judgments Act 1982, in section 50 (interpretation) in the definition of “court of law” for paragraph (a) substitute—
- “(a) the Supreme Court.”.

Courts and Legal Services Act 1990 (c. 41)

- 24 In the Courts and Legal Services Act 1990, in Schedule 11 (judges etc barred from legal practice) for the words “Lord of Appeal in Ordinary” substitute “Judge of the Supreme Court”.

Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 3)

- 25 In the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, in section 31(1) (interpretation) for the definition of “high judicial office” substitute—
- ““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council.”.

Justices of the Peace Act 1997 (c. 25)

- 26 In section 7(2) of the Justices of the Peace Act 1997 (the supplemental list)—
- (a) in paragraph (a) omit “within the meaning of the Appellate Jurisdiction Act 1876”, and
 - (b) after paragraph (b) insert “;
- and in this subsection “high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council.”.

Police Act 1997 (c. 50)

- 27 In section 91(2) of the Police Act 1997 (Commissioners for the authorisation of action in respect of property) for “the Appellate Jurisdiction Act 1876 (c. 59).” substitute “Part 3 of the Constitutional Reform Act 2005 or are or have been members of the Judicial Committee of the Privy Council.”

Special Immigration Appeals Commission Act 1997 (c. 68)

- 28 In paragraph 5 of Schedule 1 to the Special Immigration Appeals Commission Act 1997 (the Commission) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”.

Terrorism Act 2000 (c. 11)

- 29 In paragraph 4(3)(b) of Schedule 3 to the Terrorism Act 2000 (the Proscribed Organisations Appeal Commission) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”.

Regulation of Investigatory Powers Act 2000 (c. 23)

- 30 (1) The Regulation of Investigatory Powers Act 2000 is amended as follows.
- (2) In each of—
- (a) section 57(5) (Interception of Communications Commissioner),
 - (b) section 59(5) (Intelligence Services Commissioner), and
 - (c) paragraphs 1(1)(a) and 2(2) of Schedule 3 (the Tribunal),
- for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council”.
- (3) In section 61(8)(a) (Investigatory Powers Commissioner for Northern Ireland) for “the Appellate Jurisdiction Act 1876” substitute “Part 3 of the Constitutional Reform Act 2005”.

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 31 In Schedule 6 to the Anti-terrorism, Crime and Security Act 2001 (the Pathogens Access Appeal Commission), in paragraph 4(3)(b) for “the Appellate Jurisdiction

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Act 1876 (c. 59));” substitute “Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council;”.

European Parliamentary Elections Act 2002 (c. 24)

- 32 In the European Parliamentary Elections Act 2002, in section 10 (disqualification) in subsection (1) omit paragraph (b) and the “or” immediately preceding it.

Justice (Northern Ireland) Act 2002 (c. 26)

- 33 (1) The Justice (Northern Ireland) Act 2002 is amended as follows.
- (2) In each of—
- (a) section 8(4)(a),
 - (b) section 24(4)(a), and
 - (c) section 43(5)(a),
- (tribunals for considering removal from certain offices) for the words from “holds the office” to “Appellate Jurisdiction Act 1887 (c. 70)” substitute “holds high judicial office, within the meaning of Part 3 of the Constitutional Reform Act 2005”.
- (3) Omit section 18(1) (amendment of section 6 of the Appellate Jurisdiction Act 1876).

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 34 In Schedule 4 to the Nationality, Immigration and Asylum Act 2002 (the Asylum and Immigration Tribunal) (as inserted by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004), in paragraph 5(1)(a) (President of the Asylum and Immigration Tribunal) for “the Appellate Jurisdiction Act 1859 (c. 59)” substitute “Part 3 of Constitutional Reform Act 2005 or who is or has been a member of the Judicial Committee of the Privy Council”.

Clergy Discipline Measure 2003 (2003 No. 3)

- 35 In the Clergy Discipline Measure 2003, in section 43(1) (interpretation) for the definition of “high judicial office” substitute—
- ““high judicial office” means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council;”.

PART 3

NORTHERN IRELAND

Judicature (Northern Ireland) Act 1978 (c. 23)

- 36 (1) Section 12B of the Judicature (Northern Ireland) Act 1978 as substituted by section 6 of the Justice (Northern Ireland) Act 2002 (c. 26) is amended as follows.
- (2) In subsection (3)(b) at the end insert “or, if the Lord Chancellor is not a member of that House, by another Minister of the Crown at his request.”

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- (3) In subsections (4) and (5) for “Neither the Prime Minister nor the Lord Chancellor may make” substitute “The Prime Minister may not make, and the Lord Chancellor may not make or request the making of”.
- (4) In subsection (7) for the words from “and the Lord Chancellor” to the end substitute “and a person making such a motion in the House of Lords shall lay a copy of them before that House before making the motion.”

Justice (Northern Ireland) Act 2002 (c. 26)

- 37 The Justice (Northern Ireland) Act 2002 is amended as follows.
- 38 In section 6, for the words from the beginning to “insert—” substitute “For section 12B of the Judicature (Northern Ireland) Act 1978 substitute—”.
- 39 In Schedule 13 (repeals and revocations) insert in the appropriate place—

“Constitutional Reform Act 2005 Sections 133 to 135.”
